

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALEX YRIGOLLEN,

Petitioner,

v.

B.M. TRATE,

Respondent.

Case No. 1:23-cv-00981-JLT-SAB-HC

ORDER VACATING JULY 6, 2023
SCHEDULING ORDER (ECF No. 4)

ORDER SETTING BRIEFING SCHEDULE

ORDER TO ELECTRONICALLY FILE
TRANSCRIPTS AND OTHER NECESSARY
DOCUMENTS

Petitioner, represented by counsel, is a federal prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On July 6, 2023, the Court ordered Respondent to respond to the petition and set a briefing schedule. (ECF No. 4.) On September 5, 2023, the parties filed a stipulation for relating multiple cases and for a modified briefing schedule. (ECF No. 7.) On September 6, 2023, the Court ordered the parties to “file a joint statement detailing the specific factual bases justifying the stipulation to relate the cases.” (ECF No. 8.) On September 16, 2023, the parties filed the joint statement. (ECF No. 9.) On September 25, 2023, the Court related and reassigned the cases. (ECF No. 10.)

In light of the Court’s order relating and reassigning cases and the parties’ stipulation for a modified briefing schedule, the Court HEREBY ORDERS:

1. The July 6, 2023 scheduling order (ECF No. 4) is VACATED.
2. On or before October 19, 2023, Respondent SHALL FILE a RESPONSE to the
Petition. A Response can be made by filing one of the following:
 - A. AN ANSWER addressing the merits of the Petition. Any argument
by Respondent that Petitioner has procedurally defaulted a claim SHALL
BE MADE in the ANSWER, but must also address the merits of the claim
asserted.
 - B. A MOTION TO DISMISS the Petition.
3. On or before October 19, 2023, Respondent SHALL FILE any and all transcripts
or other documents necessary for the resolution of the issues presented in the
Petition. See Rule 5(c), Rules Governing Section 2254 Cases. **The transcripts or
other documents shall only be filed electronically and, to the extent
practicable, provided in Optical Character Recognition (“OCR”) format.
Respondent shall not file a hard copy of the transcripts or other documents
unless so ordered by this Court.**
4. Any Reply to Respondent’s Response is due on or before December 21, 2023.

Extensions of time will only be granted upon a showing of good cause. All provisions of
Local Rule 110 are applicable to this order.

IT IS SO ORDERED.

Dated: September 26, 2023


UNITED STATES MAGISTRATE JUDGE